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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/485,082	04/19/2000	GERHARD WYDRA	P-00.0001	1453

7590

01/24/2002

SCHIFF HARDIN & WATE

Patent Department

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CHICAGO, IL 60606

EXAMINER

BARR, MICHAEL E

ART UNIT

PAPER NUMBER

1762

15

DATE MAILED: 01/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/485,082

Applicant(s)

Wydra et al.

Examiner

Barr

Group Art Unit

1762

— The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address —

## Period for Reply

3

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

☒ Responsive to communication(s) filed on 1/8/02

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

☒ Claim(s) 1-3, 8, 10-25 is/are pending in the application.

Of the above claim(s) is/are withdrawn from consideration.

☐ Claim(s) is/are allowed.

☒ Claim(s) 1-3, 8, 10-25 is/are rejected.

☐ Claim(s) is/are objected to.

☐ Claim(s) are subject to restriction or election requirement

## Application Papers

☐ The proposed drawing correction, filed on is ☐ approved ☐ disapproved.

☐ The drawing(s) filed on is/are objected to by the Examiner

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119 (a)-(d).

☒ All ☐ Some\* ☐ None of the:

☐ Certified copies of the priority documents have been received.

☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

☒ Copies of the certified copies of the priority documents have been received

in this national stage application from the International Bureau (PCT Rule 17.2(a))

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☒ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other \_\_\_\_\_

Office Action Summary

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/08/02 has been entered.

### ***Response to Arguments***

2. Applicant's arguments and amendments, filed 1/08/02, have been fully considered and reviewed by the examiner. The examiner acknowledges the addition of Claim 25. Claims 1-3, 8, and 10-25 are pending.

The applicant has argued that the cited references do not teach applying a heat insulating layer over the adhesion layer. The applicant's arguments are moot in light of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8, and 10-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Olson et al. in view of Rigney and GB 2269393 by Floge et al. ("Floge").


Olson et al. and Rigney are applied here for the same reasons as given in paragraph 3 of the previous office action. Olson et al. and Rigney do not teach the application of a heat insulating layer over the adhesion layer. However, Olson et al. teaches that the taught process is for protecting the surfaces of gas turbine engine components, such as the blades and vanes (Col. 5, lines 5-26). Floge teaches protecting the surfaces of gas turbine engine components, such as the blades and vanes, by applying a MCrAlY layer to the component and then further applying a heat insulating layer of zirconia with CaO and MgO additives (Abstract; Pg. 1, lines 1-14; Pg. 7, line 17-Pg. 8, line 10). It would have been an obvious modification to the process of Olson et al. and Rigney to apply an additional heat insulating layer of zirconia with CaO and MgO additives over the MCrAlY layer, with the expectation of providing the additional protective benefits to the engine component, since it is shown by Floge that such additional protective treatment is conventional and known in the art for MCrAlY coated engine components, such as that of Olson et al.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Barr whose telephone number is 703-305-7919. The examiner can normally be reached on Monday-Thursday 6:00 am-4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on 703-308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-5408 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

  
Michael Barr  
Primary Examiner  
Art Unit 1762

MB  
January 23, 2002